

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

24 HOUR FITNESS USA, INC.,

No. C 08-01681 SBA

Plaintiff,

**CASE MANAGEMENT SCHEDULING
ORDER FOR REASSIGNED CIVIL
CASES**

v.

APEX STORES, LLC,

Defendant.

This action having been reassigned to the Honorable Sandra Brown Armstrong,

IT IS ORDERED that this action is assigned to the Case Management Program and shall be governed by Civil L.R. 16-2. The dates listed in the Order Setting Initial Case Management Conference remain in effect except that the initial Case Management Conference is rescheduled for **July 17, 2008, at 2:30 p.m.**, via telephone.

Plaintiff's counsel is to set up the conference call with all the parties on the line and call chambers at (510) 637-3559. **(NO PARTY SHALL CONTACT CHAMBERS DIRECTLY WITHOUT PRIOR AUTHORIZATION OF THE COURT.)**

Plaintiff(s) is directed to serve a copy of this Order at once on all parties to this action in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure not enrolled in the e-filing program. Following service, the party causing the service shall file a certificate of service with the Clerk of Court.

Dated: 6/10/08



SAUNDRA BROWN ARMSTRONG
United States District Judge

JUDGE ARMSTRONG'S STANDING ORDERS

1. Counsel are expected to consult and comply with all provisions of the Local Rules of Court relating to continuances, motions and all other matters.
2. **Civil Law & Motion will be held at 1:00 p.m.**, on Tuesdays. Criminal Law & Motion will be held at 9:00 a.m. on Tuesdays. Civil matters shall not be noticed for hearing on a Tuesday following an official court holiday that falls on a Monday.
3. The parties need not reserve a hearing date. However, the parties are advised to check the court's calendar at www.cand.uscourts.gov for the next available hearing date. Matters are calendared on a first come first serve basis. You MUST submit a hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar!!
4. Before appearing for a matter before this Court all parties shall check the court's calendar at www.cand.uscourts.gov to confirm that their matters are still on calendar.
5. **Meet and Confer Requirement;** All parties are expected to meet and confer before filing any motion before this court.
6. **Summary judgment/ adjudication:** The parties are not required to file statements of undisputed facts in connection with a motion for summary judgment. However, if the parties desire to file a statement of undisputed facts, only one joint statement of undisputed facts signed by all parties shall be filed. All separate statements will be stricken. If the parties are unable to agree that a fact is undisputed, they should assume that fact is in dispute.
7. **Proposed orders:** Each party filing or opposing a motion shall also serve and file a proposed order, which sets forth the relief the party request the Court to adopt. The proposed order shall include the following subsections: Background, Legal Standard, Analysis, and Conclusion, and shall include a level of detail reciting the rationale of the decision, including factual background and citations to authority.
8. The failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute a consent to the granting of the motion.
9. **Criminal Law & Motion will be held at 9:00 a.m.**, on Tuesdays for status or trial setting. **10:00 a.m.** for Judgment & Sentencing. **11:00 a.m.** for motions, pretrial conferences, and changes of plea.. Prior to a plea being entered in a criminal case, a copy of the plea agreement **must** be submitted to chambers no later than the Friday before the plea is to be taken. All persons pleading guilty must complete an **Application for Permission to Enter Plea of Guilty**, which is available on the Court's website at www.cand.uscourts.gov.
10. **In All "E-Filing" Cases Effective Immediately**, when filing papers in connection with any motion or case management conference, the parties shall, in addition to filing papers electronically, lodge with the Clerk's Office a printed copy of the papers by the close of business the following day the papers are filed electronically. These printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office, in an envelope clearly marked with the judge's name, case number and "E-Filing Chambers Copy." Parties shall not file a paper copy of any other document with the Clerk's Office that has already been filed electronically. You MUST submit a hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar!!

1 In addition to the requirements set forth in the Civil L.R. 16-10, counsel are expected to comply with
2 the following:

3 **A. Filing Case Management Statements**

4 Counsel are expected to comply with this Standing Order concerning the joint filing of the
5 Case Management Statement. In preparing the Case Management Statement, the parties shall use
6 the Standing Order For All Judges Of The Northern District Of California provided herewith. Note
7 that **no** party may submit a separate Case Management Statement. Disagreements among parties
with respect to any of the matters contained in the Case Management Statement shall be set forth in
the appropriate sections.

8 Counsel are further expected to file a Case Management Statement at least ten (10) days
9 before each and every scheduled Case Management Conference conducted in this action. If there is
10 no change in the status of the case from the time the last statement was filed, counsel shall indicate
as such in a pleading and attach a copy of the most recently filed Case Management Statement to the
pleading. Failure to timely file a Case Management Statement may result in sanctions.

11 **B. Appearance At The Case Management Conference**

12 Each party shall be represented at the Case Management Conference by Counsel prepared to
13 address all of the matters referred to in the Standing Order For All Judges Of The Northern District
14 Of California., and with authority to enter into stipulations and make admissions pursuant to this and
15 Fed. R. Civ. P. 16(a) and (c). Representatives of the parties may, but are not required to, attend.
Unless otherwise specified, all Case Management Conferences shall take place via telephone.
16 Plaintiff or his/her counsel is responsible for setting up the conference call. Plaintiff or his/her
counsel will be notified of the date and time of the telephone conference call by Clerk's Notice
shortly after the case has been filed.

17 Any request to reschedule the above dates shall be made in compliance with Civil L.R. 7-12
18 and must be made at least ten days prior to the date sought to be modified. Counsel shall not contact
19 the chambers of Judge Armstrong regarding requests to modify provisions of this Standing Order;
all requests must be submitted in writing and served on all parties to the action.

20 The parties should be prepared to address and resolve at the Case Management Conference
21 all of issues in the Standing Order For All Judges Of The Northern District Of California attached
herewith.

22 s/SAUNDRA BROWN ARMSTRONG
23 SAUNDRA BROWN ARMSTRONG
24 United States District Judge
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United States District Court
For the Northern District of California

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